

RESPONSE TO OFFICE ACTION (ROA-2)

SERIAL NO.: 09/208,696; APPLICANT: Yasuyuki Sekine; AU 3711

EXAMINER: Collins, D.; ATTY. DKT.: RM.HPK; FILED: December 10, 1998

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two of each of the second and third preselected symbols of the second and third pluralities of symbols
being presented twice in succession in respective ones of said second and third display elements.

R E M A R K S

Amendments are presented herein to improve the form of the subject application and in response to the Examiner's comments in the above-identified Office Action.

Status of the Claims

Claims 2-4, 6, 7, and 11-15 were present in the case during the examination that resulted in the present action, all of which claims remain in the case.

The Examiner's Response to Applicant's Prior Arguments

The Examiner states that Applicant is claiming a display that has symbols with indicia in a predetermined arrangement. The Sankyo, K.K. reference is considered by the Examiner to teach virtually the same display. According to the Examiner, the purpose of the game in the Sankyo, K.K. reference should not be an issue, because Applicant's claims are directed to structure and the physical operation of such. The indicia on the reels of the apparatus described in the Sankyo, K.K. reference are conceded by the Examiner as not exactly the same as those mentioned in Applicant's display, but this is considered by the Examiner to be merely a matter of design choice.

The Examiner continues the comment by stating that there is no suggestion of speed of rotation of the wheels, and further states that there is no reason why a player would not be able to recognize the symbols in order to perform an effective stop. Thus, Applicant's arguments were not, in the view of the Examiner, sufficient to overcome the rejection on prior art.

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Claims Rejection - 35 U.S.C. § 102(b) or 35 U.S.C. § 103

Claims 2-4, 6, 7, and 11-15 stand rejected under 35 U.S.C. § 102(b) as specifying subject matter considered by the Examiner to be anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as specifying subject matter considered by the Examiner to be obvious over, Japanese Patent No. JP 405,068,733 ("Sankyo K.K."). The Examiner states that the Sankyo, K.K. reference discloses the claimed (display) invention, with the exception of two or more identical special symbols in all three columns. The Examiner states that it would be obvious to one of ordinary skill in the art at the time of the invention to duplicate the teaching of two or more identical special symbols shown in the right and left columns (drums) as shown in the aforementioned figure, since it has broadly been held that mere duplication of the essential working parts of a device involves only routine skill in the art. Applicant assumes that the Examiner is referring to the "main figure" that the Examiner has previously referenced during prosecution.

The Examiner continues the comment by stating that the serially appearing symbols of the Sankyo, K.K. reference could be considered special for the purpose of the invention.

Applicant's Response

Applicant respectfully asserts that the Sankyo, K.K. reference does not anticipate or even suggest the claimed invention. More specifically, and contrary to the Examiner's assertion, new independent claim 11 specified during examination more than a "suggestion of speed of rotation of the wheels," which the Examiner appears to claim as not being present in the claim. Independent claim 11 has all along specified that "the plurality of symbols in a predetermined display sequence at a determined display rate sufficiently fast that a player will not readily distinguish a singular

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presentation of any of the plurality of symbols.” Clearly, this sets forth the most significant characteristic of the speed of rotation, and nothing that suggests this is present in the abstract of the Sankyo, K.K. reference.

The foregoing notwithstanding, Applicant has amended independent claim 11 to specify this aspect of the invention with greater precision. Amended independent claim 11 specifies that the display portion provides moving and stopped indications of a plurality of symbols, and that a preselected one of the plurality of symbols is correlated to an associated one of the plurality of predetermined game states. Nothing in the Sankyo, K.K. reference even suggests that any of the plurality of game states is correlated to a game state.

The amended independent claim further states that there is provided a display element that is viewable in the display portion for presenting the plurality of symbols “in a predetermined display sequence at a determined display rate during the moving indication that is sufficiently fast that a player (will not readily) distinguish a singular presentation of any of the plurality of symbols.” (Emphasis Added) Again, nothing in the Sankyo, K.K. reference discloses any particular speed of rotation of the display, and certainly there is no suggestion that it should be at a rate where any particular symbol is not discernible to the player.

It is, of course, conceded that the Sankyo, K.K. reference shows sequential replications of a symbol. However, no such replicated symbol in the reference is understood to be correlated to a game state. Additionally, the reference fails to suggest that the sequential replication of the symbol is related to achievement of discernability of the symbol at any given rate of presentation. Contrary to the teaching in the Sankyo, K.K. reference, the present independent claim 11 states specifically that

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“the preselected one of the plurality of symbols [is] ... presented twice in succession in the predetermined display sequence so as to be distinguishable by the player at the determined display rate during the moving indication.” (Emphasis Added)

Finally, amended independent claim 11 specifies that there is provided in the invention “a player-actuable stop arrangement for enabling the player to initiate a stop indication of the predetermined display sequence in response to the player distinguishing the preselected one of the plurality of symbols, ...” (Emphasis Added) Clearly, since the Sankyo, K.K. reference fails to disclose the claimed correlation between:

- the preselected one of the plurality of symbols and the game state;
- the discernability of the preselected one of the plurality of symbols and the rate of presentation of the symbols during the moving indication; or
- the actuatability of the player-actuable stop arrangement in response to the discernment of the preselected one of the plurality of symbols,

it cannot teach or suggest the invention specified in independent claim 11.

In addition to the foregoing, it is respectfully noted that none of the amendments presented herein constitute new matter to the case. For example:

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AMENDMENT TO CLAIM 11	PRE-AMENDMENT SUPPORT IN THE SPECIFICATION	
	PAGE:LINE	DESCRIPTION
moving ... indications	4:14-15	According to the invention, there is provided a display for game having a display portion for <u>movable</u> indication of a plurality of symbols necessary for game in a certain direction
	4:17	In the display portion, plural kinds of symbols necessary for game are indicated with <u>moving</u> .
... and stopped indications	5:3-5	In the display for game according to the invention, a game state is established to be advantageous to a player if the special kind of symbol is contained in a combination of symbols indicated on the display portion when movement of the symbols has been <u>stopped</u> .
during the moving indication	8:8-10	Fig. 5 represents a reach state showing a special "plum" symbol indicated in the display portion of the embodiment of Fig. 2 showing first and third reels having stopped and the second reel still moving ...

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AMENDMENT TO CLAIM 11	PRE-AMENDMENT SUPPORT IN THE SPECIFICATION	
	PAGE:LINE	DESCRIPTION
enabling the player to initiate a stop indication	5:5-8	The player can relatively easily carry out the stop operation with good timing to indicate the symbol as a stop symbol and can realize an indication of combination of stop symbols advantageous to the player, for example, corresponding to "big hit," "middle hit" or "small hit."
in response to the player distinguishing the preselected one of the plurality of symbols	5:10-13	The player can easily see the special kind of symbol and can relatively easily carry out the stop operation with good timing not to indicate the symbol as a stop symbol.

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AMENDMENT TO CLAIM 11	PRE-AMENDMENT SUPPORT IN THE SPECIFICATION	
	PAGE:LINE	DESCRIPTION
	4:20-	According to the invention, a special kind of symbol
	5:2	is indicated in such manner that two or more of identical symbols be appeared serially one after another in the direction to be moved. When two or more identical symbols are appeared successively, even if the symbols are moved in a high speed, the player can distinguish the special symbol as it is. As the result, for example, in the slot machine in which the CT is adopted, the player can carry out relatively easily top [sic] operation such as push button operation with good timing.

Conclusion

Applicant respectfully asserts that the foregoing amendments and arguments overcome the Examiner's rejection of claims 2-4, 6, 7, and 11-15 under 35 U.S.C. § 102(b) or, in the alternative, under 35 U.S.C. § 103(a) over the Sankyo, K.K. reference, and that all such claims are in allowable condition.

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In view of the foregoing, it is respectfully requested that the Examiner reconsider the present application, allow the claims, and pass the application for issue. If the Examiner believes that the prosecution of this case can be expedited by a telephone interview, the Examiner is requested to call attorney for Applicant(s) at the telephone number indicated hereinbelow.

Respectfully submitted,



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Annexure 1 - Claims Rewritten to Show Amendments

11. (Amended) A gaming machine for the playing of a game by a player, the game having a plurality of predetermined game states, the gaming machine comprising:

a display portion having a winning line, the display portion providing moving and stopped indications [indication] of a plurality of symbols, a preselected one of [said] the plurality of symbols being correlated to an associated one of the plurality of predetermined game states;

a display element viewable in said display portion for presenting the plurality of symbols in a predetermined display sequence at a determined display rate during the moving indication that is sufficiently fast that a player will not readily distinguish a singular presentation of any of the plurality of symbols, the preselected one of [said] the plurality of symbols being presented twice in succession in the predetermined display sequence so as to be distinguishable by the player at the determined display rate during the moving indication; and

a player-actuatable stop arrangement for enabling the player to initiate [initiating] a stop indication of the predetermined display sequence in response to the player distinguishing the preselected one of the plurality of symbols, whereby one of the plurality of symbols will be stopped on the winning line of the display portion.

4. (Four Times Amended) The gaming machine according to claim 11, wherein there are further provided second and third display elements viewable in said display portion for presenting display sequences of respective second and third pluralities of symbols in respective predetermined

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display sequences at respective determined display rates that are sufficiently fast that the player will not readily distinguish a singular presentation of any of the symbols, preselected second and third symbols of respectively associated ones of said second and third pluralities of symbols are each correlated to a respective associated one of the second and third ones of [said] the plurality of game states, two of each of the second and third preselected symbols of [said] the second and third pluralities of symbols being presented twice in succession in respective ones of said second and third display elements.